

## UNITED STATES DISTRICT COURT

FILED

for the

Northern District of Mississippi

MAR 11 2009

DAVID

By R. Capps

United States of America

v.

Marcus Brown

Case No. 4:99CR00060-B

USM No. 11066-042

Date of Previous Judgment: January 11, 2000  
 (Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney: Federal Public Defender N.D.

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon agreed motion of ☒ the defendant, ☒ the U.S. Attorney, ☐ the Director of the Bureau of Prisons, ☐ the court, under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 262 months **is reduced to 210 months**,

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level:	37	Amended Offense Level:	35
Criminal History Category:	III	Criminal History Category:	III
Previous Guideline Range:	262-327 months	Amended Guideline Range:	210-262 months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE** (Prior to any departures)

☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

**III. ADDITIONAL COMMENTS:** This order becomes effective on the date(s) listed below. If the sentence imposed is less than the term already served, the sentence is reduced to a "time served" sentence.

Except as provided above, all provisions of the judgment dated January 11, 2000 shall remain in effect.

**IT IS SO ORDERED.**Order Date: 3/11/09

Effective Date: 3/21/09  
 (if different from order date)

Neal Biggers  
 U.S. District Court Judge